

### REMARKS/ARGUMENTS

Claims 1-10 are pending in the present application. Claims 1-10 stand rejected.

Independent Claim 1, and Claims 2-10 depending therefrom, have been rejected under 35 U.S.C. §103 as being rendered obvious by U.S. Patent No. 5,353,560 to Heydon (hereinafter “Heydon ‘560”) in view of U.S. Patent Nos. 5,687,538 to Froboslio et al. (hereinafter “Froboslio ‘538”) and 5,956,916 to Liss (hereinafter “Liss ‘916”).

Amended Independent Claim 1 calls for an apparatus for supporting a plurality of joists, the apparatus comprising a joist rim having a web and first and second rim legs extending substantially perpendicularly from the web, the first rim leg positioned vertically above the second rim leg, wherein *the first rim leg is configured to support a compressive load thereon, and the second rim leg is configured to support the apparatus on a structure*, at least one opening through the web, a joist attachment tab integrally formed in the web adjacent each opening, *the web being configured to transfer loads from the joist attachment tabs to the second rim leg, the web further being configured to transfer said compressive load from the first rim leg to the second rim leg*, and at least one reinforcing rib corresponding to each tab and provided in each web adjacent the corresponding tabs.

Applicant respectfully submits that Heydon ‘560, Froboslio ‘538, and Liss ‘916 do not render amended Claim 1 obvious. More particularly, they do not disclose or suggest, either alone or in combination, an apparatus for supporting a plurality of joists comprising a *rim joist* having a web and first and second rim legs extending substantially perpendicularly from the web,

wherein *the first rim leg is configured to support a compressive load thereon, and the second rim leg is configured to support the apparatus on a structure*, and a joist attachment tab integrally formed in the web adjacent each opening, *the web being configured to transfer loads from the joist attachment tabs to the second rim leg, the web further being configured to transfer the compressive load from the first rim leg to the second rim leg.*

Heydon '560, referring to Fig. 7, discloses bottom track 44 for supporting a wall structure. Track 44 includes bottom wall 46 which is "adapted to rest on plywood sheet 38 or other finishing material of the floor structure 12" (col. 9, lines 61-64), side walls 48 extending from bottom wall 46, and flanges 58 for attaching studs 56 to track 44. Referring to Fig. 6, track 44 is supported by bottom wall 46, and not by side walls 48. In use, loads are transferred through flanges 58 into bottom wall 46, and the structure below, without passing through side walls 48. Thus, side walls 48 do not *support a compressive load thereon* nor do they *support the apparatus on a structure*. Further, bottom wall 46 does not *transfer loads from a joist attachment tab to a second rim leg* and *transfer the compressive load between a first rim leg and a second rim leg*, as called for in amended Claim 1.

Applicant respectfully submits that neither Liss '916 nor Froboslio '538 correct the deficiencies of Heydon '560. More particularly, Liss '916, referring to Fig. 4, discloses ledger member 9 having tabs 6 and fasteners 8 for securing joists 4 thereto. Referring to Fig. 3, ledger member 9 further includes planar member 10 and two flanges extending from planar member 10 on opposite ends thereof. However, unlike the apparatus of amended Claim 1, the lower flange

of ledger member 9 does not support the apparatus on a structure. Rather, ledger member 9 is *bolted to* foundation wall 3 through planar member 10 while the flanges of ledger member 9 extend freely therefrom. More particularly, in the Liss arrangement, the load supported by ledger member 9 gets transmitted to bolts 7, which are positioned in the center of planar member 10. No compressive load whatsoever is supported by the lower flange because the lower flange does not support the ledger beam on anything. In fact, referring to Fig. 7 of Liss '916, it is clear, as demonstrated by the gap between joists 4 and the bottom flange of ledger member 9, that joists 4 are not even supported by the bottom flange of ledger member 9. The apparatus of Claim 1, which is *supported* by its second rim leg, does not require bolts to secure it to a supporting foundation, as required by ledger member 9 of Liss '916.

The Examiner cites Froboslio '538 as disclosing, referring to Fig. 4, floor joist 50 having embossments 74a, 76 and 78 in web 12 for stiffening joist 50 and reducing the deflection thereof. However, Applicant submits that Froboslio '538 does not disclose the *joist rim* called for in Claim 1 and, thus, does not correct the deficiencies of Liss '916 or Heydon '560. Rather, the ends of joists 50, referring to Fig. 3, rest on wood sills 38 and are secured to end plates 40 via angle brackets 42. Furthermore, Applicant submits that a person of ordinary skill in the art would not be motivated to combine Froboslio '538 with Liss '916 and Heydon '560. More particularly, Froboslio '538 is concerned with providing a "built-in truss-like stiffener" in a floor joist, whose span is largely unsupported and susceptible to undesirable deflection when placed under a load. See, column 1, lines 59-62; column 2, lines 39-45; column 5, lines 22-25; and

column 6, lines 31-34 of Froboslio '538. However, as discussed above, neither Liss '916 nor Heydon '560 have deflection problems because neither of their webs are similarly oriented such that deflection is an issue. In Liss '916 for example, the web is attached directly to the vertical wall by bolts; it is not supported on the lower flange and it is not designed two span between walls like the Froboslio joists. Likewise, the Heydon '560 track is entirely supported on a floor and deflection of the Heydon web is not an issue.

For at least the reasons advanced above, Applicant respectfully submits that Liss '916, Heydon '560 and Froboslio '538, either alone or in combination, do not disclose or suggest every element of Claim 1, and, in addition, Applicant submits, as discussed in further detail above, that a person of ordinary skill in the art would not have been motivated to combine the teachings of Froboslio '538 with Liss '916 and Heydon '560. Accordingly, Applicant requests withdrawal of the §103 rejection of Independent Claim 1 and Claims 2-10 depending therefrom.

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Application No. 10/601,404  
Amendment in Response to Office Action of July 10, 2006

Applicant has made a diligent effort to respond to the rejections and objection presented in the Official Action and submits that all of the pending claims are in condition for allowance. Accordingly, reconsideration and withdrawal of such rejections and passage to allowance of all the pending claims are earnestly solicited. If the Examiner has any remaining concerns concerning the patentability of any of the claims, she is invited to contact the undersigned at the telephone number set forth below, so those concerns may be expeditiously addressed.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "B. T. Geisler", written over a horizontal line.

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